REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-11, 13-44, 46-75, 77-112, and 114-136 remain pending, where claims 12, 45, 79, and 113 were previously canceled without prejudice. By this communication, claim 1 is amended. Support for the amended subject matter can be found, for example, at page 8 line 5 through page 9, line 10 of Applicants' disclosure.

In numbered paragraph 6 on page 3 of the Office Action, claim 1 is objected to for alleged informalities. Applicants' amendment to claim 1 renders this objection moot. Withdrawal is therefore respectfully requested.

Applicants' claims were variously rejected under 35 U.S.C. §103. For example, claims 1-6, 8-11, 13-16, 27-39, 41, 44, 49, 60-73, 75-78, 80-83, 94-107, 19-112, 114-117, and 133 and 136 stand rejected under 35 U.S.C. §103(a) for alleged unpatentability over Applicants' alleged admitted prior art (AAPA), *Thompson et al.* (US Patent Pub. No. 2002/10077900), and *Katinsky et al.* (U.S. Patent No. 6,452,609); claims 7, 40, 74 and 108 are rejected under 35 U.S.C. §103(a) for alleged unpatentability over AAPA, *Thompson*, *Levi*, *Katinsky*, and further in view of *Abato et al.* (U.S. Patent No. 6,5134,069); and claims 17-26, 50-59, 84-93, and 118-132 stand rejected under 35 U.S.C. §103 for alleged unpatentability over AAPA, *Thompson*, *Levi*, *Katinsky*, and further in view of *Smith* (U.S. Patent No. 6,448,986). Applicants respectfully traverse this rejection.

Applicants' claim 1 recites the following:

> 1. A method for playing full screen video on a user computer comprising:
> displaying in a user interface at said user computer a web page containing at least one link to an electronic video file;
> selecting said link to request said video file;
> downloading said video file to said user computer in response to said request;

detecting by said user computer an initial receipt of said video file;
opening in said user interface a window of a video player in full screen mode in response to said detecting; and
reading said video file by said player to play said video in said window
encoding said video file with a header and a plurality of tracks;
inserting instructions into a selected one of said tracks;
wherein said instructions are readable by said player so that said player displays information in response to the instructions.

Contrary to the Examiner's assertion, Applicants respectfully submit that the combination of the above-cited references fails to render Applicants claims as obvious.

On page 5 of the Office Action, the Office alleges that AAPA and *Thompson* disclose many features of Applicants' claims except for encoding a video file with a plurality of tracks and inserting instructions into one of the tracks. The Office relies on *Levi* in an effort to remedy this deficiency.

Levi discloses a media format that encapsulates multiple data streams into a single active stream. The data of the data streams is partitioned into packets that are suitable for transmission over a transport medium. Specifically, *Levi* discloses the use of a script command that is embedded into the **header section** of the active stream (see pg. 7, lines 31-36). The script command can cause a client browser to be executed to display URL or launch other audio or video presentations (see pgph bridging columns 7 and 8).

Applicants' claims recite encoding said video file with a header and a plurality of tracks and inserting instructions into a selected one of said tracks. One advantage to inserting the instructions into a selected one of the tracks and not the header is that the information in the track can be displayed while the video file is downloading (see pg. 10, lines 14-22). *Levi* fails to disclose or suggest this feature

or realize the stated advantages since the script command of *Levi* is provided in the **header section** of the active stream.

Katinsky is applied for its alleged teaching of displaying information with respect to an amount of a stream that has been played and an amount that remains to be played. Without acquiescing as to whether this interpretation is accurate, Applicants respectfully submit that *Katinsky* does not remedy the deficiencies of *Levi* with respect to Applicants' claimed encoding and insertion of instructions into a video file.

Independent claim 136 recites the following:

> An apparatus in a computer network having a server, at least one web page accessible through said server and a user computer programmed with browser software to display a copy of said web page when connected to said server, the apparatus comprising:
>
> a video file having a header, said header having a mode flag, said video file being identified by a link in said web page, said web server downloading said video file to said user computer in response to selection of said link, said browser software detecting said header; and
>
> a video player executable in said user computer, said player being launched in response to said browser detecting said header to receive said video file during downloading thereof, said video player opening in a mode indicated by said mode flag.

In numbered paragraph 10 on page 6 of the rejection, the Office acknowledges that *Thompson* fails to disclose or suggest Applicants' claimed opening the video in the browser based on a mode flag in the header of the video file. The Office relies on *Katinsky, Thompson*, and the alleged knowledge of one of ordinary skill in an effort to remedy this deficiency.

Applicants respectfully submit however, that the interpretation of these references is inaccurate. Specifically, neither *Katinsky* nor *Thompson* disclose a video file having a mode flag as alleged, but rather these references disclose that the

size of that the video is opened in the browser is controlled by the user preferences set in the media player.

Beginning at line 1 of column 6, *Katinsky* discloses the configuration and settings of an object player used to play a media object. The user can manipulate an image lock button [of the object player] to set and release an image size lock that restricts the maximum size of the image display window (see col. 6, lines 46-61). *Thompson* discloses that a full screen video feature of a media player is activated and can be manipulated by using JavaScript to capture media player events (see pgph [0025]). There is no evidence or suggestion that a mode flag within a header of the video stream causes the media player to be embedded as a full screen. In fact, the guidance provided by *Thompson* appears to teach away from a feature as such. More importantly, Applicants respectfully submit there is no support for the assertion in the rejection that it is known in the art to specify a display size in the header of a video file (see Office Action, pg. 5, numbered paragraph 10).

In an Advisory Action dated October 1, 2008, the Office alleges that the combined teachings of *Thompson* and *Katinsky* suggest that it would have been advantageous to set a "default size" for certain media objects to full screen, and to indicate the setting for "the particular media" object through a flag contained in the file (*See* Advisory Action, pg. 2). Applicants disagree since there is no evidence of record either in the applied references or otherwise that discloses or suggests the opening the video in the browser based on a mode flag in the header of the video file, as recited in the claims. The teachings of *Thompson* and *Katinsky* certainly do not lend credence to this statement, as the position expressed in the rejection and Advisory Action is, at best, conclusory and speculative. If the Office seeks to

maintain this position, Applicants request that relevant documentary evidence and/or support be provided in the next communication.

In summary, AAPA, *Thompson*, *Levi*, and *Katinsky* when applied individually or collectively as hypothesized by the Office, fail to disclose or suggest every element recited in Applicants' claims. Accordingly, a *prima facie* case of obviousness has not been established.

To establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Moreover, obviousness "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." ACS Hosp. Sys. V. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). For at least the foregoing reasons, withdrawal of this rejection is respectfully requested.

Conclusion

Based on the foregoing amendments and remarks, Applicants respectfully submit that claims 1-11, 13-44, 46-75, 77-112, and 114-136 are allowable and this application is in condition for allowance. In the event any unresolved issues remain, the Office is invited to contact Applicants' representative identified below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: October 16, 2008 By: Shawn B. Cage

Shawn B. Cage
Registration No. 51522

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620